

Programmatic Categorical Exclusion for Commercial Film Permits For all SEUG Parks 2009-2014

Under Director's Order 12, section 3.4, categorical exclusion D(4) allows for "issuance of permits for demonstrations, gathering, ceremonies, concerts, arts and craft shows, etc, entailing only short term or readily mitigable environmental disturbance." The following are proposed conditions for a "programmatic" NEPA categorical exclusion which would cover the following activities under one environmental screening form (N-16) document. Film permit requests meeting these conditions will not need to go through individual N-16 reviews.

The requirement for a film permit (special use permit) is triggered if any of the following apply:

- Motion pictures or television involving use of professional casts, settings, or crews, by anyone other than bona fide newsreel or news television personnel (36 CFR 5.5)
- Still photography for the purpose of commercial advertising (36 CFR 5.5)
- Filming uses a model, set or prop, occurs in a normally-closed area, or uses the park after normal visiting hours (NPS *Management Policies*)
- Risk of damage to park resources or significant disruption of normal visitor use (RM-53)

Film projects covered under this categorical exclusion document would have the following characteristics. Projects without these characteristics will need to go through individual N16 reviews, but may still qualify for categorical exclusions.

- Outside of wilderness (recommended, potential, etc)-limited to:
 - Front country
 - Road corridors in backcountry
 - The trails to the bridges in NABR(Commercial filming inside wilderness may be allowed only if it has a wilderness education or other wilderness purpose (DO 41). Proposed film projects in wilderness will be evaluated through individual N16 review.)
- Green or Colorado Rivers in CANY on one condition: both the cameras and the subjects are located entirely on the water upstream from Cataract Canyon.
(The river in Cataract canyon is potential wilderness; most of both rivers in CANY are also bordered by recommended wilderness beginning at the water line. Filming activity on the riverbanks would be in recommended wilderness. The river on the southeast boundary of ARCH is outside the park.)
- Cultural Sites: Limited to Class I cultural sites
(includes all the HOVE units except Goodman Point)
- No new ground, vegetation, or wildlife disturbance
- Foot traffic limited to existing roads, trails, parking lots, developed visitor sites, or slickrock within non wilderness road corridors (300 feet from centerline or major roads, 150 from centerline from other roads)
- Minimal disruption/restriction of visitor access/experience:
 - No aircraft
 - Minimal road or area closures/restrictions:

- Road closures limited to 10 minutes at a time, with at least 10 minutes in between, with 1 hour total time of closure per location; not more than 2 areas affected per day.
- Parking lot closures or staging areas limited to half of a parking lot for secondary-destination lots, lots not regularly filled, or during low use periods. No closures will be allowed for primary destination parking lots between March 15 and October 14.
- Time of film crews and equipment within view of primary park attractions limited to 10 minutes at a time, with at least 10 minutes break, with 1 hour total per day.
- Limits on numbers of crew/vehicles:
 - Front country (including NABR and HOVE): 20 crew, 5 vehicles
 - ARCH backcountry roads: 12 crew, 3 vehicles
 - ISKY backcountry roads: 15 crew, 3 vehicles
 - Needles backcountry roads: 10 crew, 3 vehicles
 - Maze backcountry roads: 9 crew, 3 vehicles
- Dolly tracks limited to secondary-destination parking lots, lots not regularly filled, or low use periods
- Generator operation in front country only; limited to 1 hour on/1 hour off except in campgrounds, where limited to campground operating hours
- Artificial lights in daytime only, 1 hour after sunrise through 1 hour before sunset. If in view of primary park attractions, limited to 10 minutes at a time, with at least 10 minutes break, with 1 hour total per day as above
- No on-site special effects (explosives, fog/smoke, artificial snow etc.)
- No temporary vegetation
- No cliff rigging, cranes, scaffolding, etc.
- Technical rock climbing or rappelling only on rock in road corridors or front country, under existing park climbing rules (no new fixed protection, no climbing in Salt Creek Archeological District, Horseshoe Canyon, or on named arches or bridges, etc.-see Superintendent's Directives on climbing and CANY backcountry management plan)
- No horses or other animals

Cumulative impact must be minimal. (Cumulative impact would come into play if several projects were going on simultaneously, or if a particular location was occupied for an extended period by several film projects (though each may be minor individually), or if film projects are proposed simultaneous with other non-film projects having resource or visitor impacts, individual N-16 review may be necessary. Cumulative impact would need to be minor to less. (Cumulative impact would come into play if several projects were going on simultaneously, if a particular location was occupied for an extended period by other maintenance activities, or over time.

Impacts to Affected Resources:

Soils: Filming activities have the potential to impact soils and possibly soil crusts and lead to soil loss from this soil disturbance.

Vegetation: Ground disturbance from film activities has the potential to impact native vegetation as well as introduce or spread non-native plant species.

Visual Resources: Filming activities have the potential to affect visual resources by producing a visual intrusion with reflector lighting, motion film cameras, large crews, sets, cables and or leaving unsightly debris behind.

Visitor Experience: Filming activities have the potential to affect visitor experience if they are proximate or central to visitor use areas (i.e. trails, parking areas, etc.). The 10 minutes of closures for filming could impact visitors.

Measures Proposed to Mitigate Resource Impacts:

Soils and Soil Crusts and Vegetation:

- All film crew members will listen to an orientation talk presented by the NPS ranger-monitor prior to commencing filming.
- Film personnel and equipment will stay within proposed site locations while conducting filming activities.
- Film personnel and equipment will avoid areas having sensitive biological soil crusts, especially those including colored lichen, or areas that are prone to erosion.
- A NPS ranger-monitor will be onsite during filming activities.
- Travel to and from sites shall be via established trails and roads.

Visual Resources:

- Filming in front of or adjacent to any arch or primary feature will be limited to 10 minutes at a time, when visitors are present. After which a break of a minimum of 10 minutes will be allowed for the public to photograph and enjoy the feature without film crew presence.

Visitor Experience:

- No area will be closed to the public. All activities will be conducted in such a manner as not to interfere with normal access and use of affected park areas by the park visitor.
- Total continuous time occupying the area under or immediately adjacent to any arch shall be limited to ten minutes when other visitors are present. A break of at least ten minutes must be provided to allow for unobstructed viewing and photography by other park visitors.
- Park visitors may not be requested to move themselves, their vehicles or alter their selected activities by the film crew.
- No more than one half of any parking lot or pullout may be occupied by film crew, with free traffic flow for visitors remaining unhindered.
- Barriers and cones will be used to keep visitors out of work areas.

Consultation Procedures:

- Programmatic categorical exclusion will be reviewed annually by Interdisciplinary Team.
- Any new conditions associated with the use of this categorical exclusion must be provided to the Compliance Coordinator.
- Ensure that a copy of Programmatic categorical exclusion is included with each permit record where it was used.

Processing:

Projects meeting these criteria would be considered "cleared" for environmental screening form (N-16) purposes. The compliance coordinator and superintendent signing the project proposal would review proposals against these criteria to ensure that the project qualified under this programmatic CE. Copies of project proposals should be sent to Compliance Coordinator to be filed with the N-16 document. Projects not meeting these criteria would require an individual N-16 to be completed.

Signatures on File in Compliance Office

Sabrina Henry
Recommended by SEUG Compliance Coordinator

09/25/09
Date

Heidi Wiley
Reviewed by SEUG Special Park Use Coordinator

09/25/09
Date

Kate Cannon
Approved by SEUG Superintendent

10/05/09
Date